

Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 L-03 ACDA-19 CIAE-00 DODE-00 PM-07 H-03

INR-10 NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03

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FM AMCONSUL BELFAST

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INFO AMEMBASSY LONDON

AMEMBASSY DUBLIN

USNAVCOMSTA LONDONDERRY

UNCLAS BELFAST 12

JANUARY 17, 1974.

E.O. 11652: N/A

TAGS: PINT UK (N.I.)

SUBJECT: LAW COMMISSION STARTS WORK

SUMMARY: NEW ANGLO-IRISH LAW ENFORCEMENT COMMISSION MET FOR FIRST TIME JANUARY 16 IN HILLSBOROUGH COUNTYDOWN AGREED ON PROCEDURES AND ASKED FOR PAPERS TO BE PREPARED WHICH IT WILL CONSIDER AT ANOTHER MEETING IN NEAR FUTURE. LOYALISTS PEACEFULLY PROTESTED AGAINST MEETING FOCUSING ON POSSIBILITY THAT COMMISSION COULD RECOMMEND ALL-IRELAND. AMONG PROPOSED WAYS OF DEALING WITH FUGITIVE OFFENDERS EXTRADITION IS HEAVY FAVOURITE IN NORTH AND DUBLINS EXPANSIVE DEFINITION OF NON-EXTRADITABLE "POLITICAL OFFENSES" IS UNPOPULAR. COMMON LAW ENFORCEMENT AREA WITH ALL-IRELAND COURT IS FEARED AS FURTHER MOVE TOWARD UNITED IRELAND AND MANY PRACTICAL OBSTACLES ARE SEEN AGAINST EXTENSION OF JURISDICTION OF DOMESTIC COURTS. IT IS NOT KNOWN WHEN COMMISSION WILL REPORT BUT IT SEEMS THAT FORMAL STAGE OF OF SUNNINGDALE CONFERENCE WILL NOT BE DELAYED BECAUSE OF IT. END SUMMARY.

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1. FIRST MEETING OF COMMISSION ON LAW ENFORCEMENT TOOK PLACE AT HILLSBOROUGH HOUSE (FORMER RESIDENCE OF GOVERNOR) IN COUNTY DOWN JANUARY 16.

2. NORTHERN IRELAND OFFICE ANNOUNCEMENT RECALLED THAT COMMISSION WAS ESTABLISHED DECEMBER 27 BY BRITISH AND IRISH GOVERNMENTS AS PROVIDED IN PARAGRAPH 10 OF SUNNINGDALE COMMUNIQUE "TO EXAMINE THE LEGAL COMPLEXITIES INVOLVED IN THE VARIOUS PROPOSALS PUT FORWARD AT THE SUNNINGDALE TALKS FOR BRINGING TO TRIAL PERSONS WHO COMMIT CRIMES OF VIOLENCE IN IRELAND IRRESPECTIVE OF THE PART OF THE ISLAND IN WHICH THESE ARE COMMITTEED. AMONG THE QUESTIONS THE COMMISSION ARE TO CONSIDER IS THE AMENDMENT OF LEGISLATION OPERATING IN THE TWO JURISDICTION AN EXTRADITION THE CREATION OF A COMMON LAW ENFORCEMENT AREA IN WHICH AN ALL-IRELAND COURT WOULD HAVE JURISDICTION AND THE EXTENSION OF THE JURISDICTION OF DOMESTIC COURTS SO AS TO ENABLE THEM TO TRY OFFENCES COMMITTED OUTSIDE THE JURISDICTION. THE COMMISSION HAS BEEN ASKED TO REPORT AS A MATTER OF EXTREME URGENCY." FOUR BRITISH REPRESENTATIVES ON COMMISSION INCLUDE NORTHERN IRELAND LORD CHIEF JUSTICE AND SENIOR CROWN COUNSEL.

3. NORTHERN IRELAND OFFICE ANNOUNCEMENT CHARACTERIZED MEETINGS AS "USEFUL AND CONSTRUCTIVE ... MAINLY DEVOTED TO AGREEING THE WAY IN WHICH THE COMMISSION WILL CARRY ON ITS TASK ALTHOUGH THERE WAS SOME PRELIMINARY DISCUSSION ON SUBSTANTIVE MATTERS. THE COMMISSION AGREED TO MEET AGAIN IN THE NEAR FUTURE. IT WILL CONSIDER AT THAT TIME A NUMBER OF PAPERS IT HAS ASKED TO HAVE PREPARED."

4. LOYALISTS PROTESTED PEACEFULLY AGAINST COMMISSIONS MEETING FOR ABOUT AN HOUR AROUND NOON. ULSTER DEFENSE ASSOCIATION BLOCKED OFF SOME 40 ROADS IN BELFAST ELSEWHERE IN PROVINCE. SOME WORKERS AT HARLAND AND WOLF SHIPYARD AND AT A FEW OTHER FACTORIES DOWNED TOOLS. RALLY AT BELFAST CITY HALL ATTRACTED OFFICIALLY ESTIMATED CROWD OF 3-5000 WHICH SOME PRESS OBSERVERS SAID WAS LESS THAN LAST SPRING'S PROTESTS OR THAN LOYALIST LEADERS MUST HAVE HOPED FOR. THRUST OF LOYALIST PROTEST WAS AGAINST POSSIBLE ESTABLISHMENT OF UNITED IRELAND COURT WITH JURISDICTION OVER NORTHERN IRELAND.

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5. MEETING AND PROTEST HAVE STIMULATED DEBATE OVER BEST MEANS OF DEALING WITH FUGITIVE TERRORISTS. EXTRADITION IS UNQUESTIONABLY FAVOURITE SOLUTION FOR ENTIRE SPECTRUM OF THOSE NOT FOR ULTIMATE UNITED IRELAND. LOYALISTS PREFER IT BECAUSE IT EMPHASIZED THAT N.I. AND REPUBLIC ARE SEPARATE STATES. ALLIANCE PARTY LEADER AND EXECUTIVE LAW REFORM MEMBER OLIVER NAPIER TOLD REPUBLICANS IN HIS DECEMBER 28 OPEN LETTER THAT EXTRADITION LAWS SHOULD BE AMENDED UNLESS SOUTH COULD "GIVE US VERY GOOD REASONS AND.....

PROPOSE SOME VERY EFFECTIVE ALTERNATIVES." LEGAL EXPERTS HERE CONCEDE THAT BOTH U.K. AND IRELAND CONSISTENT WITH EUROPEAN CONVENTION ON HUMAN RIGHTS REGARD POLITICAL OFFENCES AS NON-EXTRADITABLE. BUT AS SOLICITOR (AND NORTHERN IRELAND LABOUR PARTY CHAIRMAN) BRIAN BARRETT SAID ON TV EVENING JANUARY 16, REAL ISSUE IS DEFINITION FOR POLITICAL OFFENCE FEW HERE WOULD ACCEPT SCOPE OF DUBLIN DEFINITION WHICH SEEMS TO ENCOMPASS ANY CRIME HOWEVER VIOLENT COMMITTED FOR POLITICAL MOTIVE. DUBLIN'S CLAIM THAT ADHERENCE TO EUROPEAN CONVENTION ON HUMAN RIGHTS INHIBITS AMENDMENT OF EXTRADITION LAW ON POLITICAL OFFENSES IS WIDELY REGARDED HERE AS SPECIOUS LEGALISTIC FIGLEAF INTENDED TO COVER INFIRMITY OF POLITICAL PURPOSE AND WILL.

6. CONCEPT OF COMMON LAW ENFORCEMENT AREA IS VIEWED WITH CONSIDERABLE SUSPICION. LOYALISTS REGARD IT AS POSITIVE EVIL DESIGNED TO EXTEND JURISDICTION OF ALL-IRELAND COURT OVER NORTH AND ARE FOCUSING THEIR CAMPAIGN AGAINST COMMISSION AS WELL AS THEIR PETITION AGAINST THE COUNCIL OF IRELAND ON THIS POINT. PAST UNIONIST PARTY ELECTION MANIFESTO PROPOSED COMMON LAW ENFORCEMENT AS ACCEPTABLE ALTERNATIVE TO EXTRADITION BUT THAT DOCUMENT MEANT AUTOMATIC BACKING OF WARRANTS A SORT OF DE FACTO EXTRADITION WITHOUT ITS "POLITICAL OFFENSE" INHIBITIONS.

7. EXTENSION OF JURISDICTION OF DOMESTIC COURTS WHICH ALREADY BEING ATTEMPTED IN IRISH REACTIVATION OF ANTI-MURDER PROVISION OF 1861 OFFENSES AGAINST THE PERSON ACT IS SEEN AS FRAUGHT WITH PROBLEMS. LOYALISTS REGARD IT AS ANOTHER FORM OF IRISH IMPERIALISM AGAINST NORTH. OTHER CRITICS HAVE POINTED TO LIMITATION OF ACT TO IRISH CITIZENS AND PRACTICAL PROBLEMS OF SUBPOENA FOR WITNESSES AND ASKED WHETHER AN IRA TERRORIST ACCUSED OF A CRIME IN NORTH BUT ACQUITTED BY A PRO-REPUBLICAN SOUTHERN COURT WOULD THEN BE IMMUNE FROM FURTHER PROSECUTATION IF HE RETURNED TO NORTH TO COMMIT FURTHER OUTRAGES.

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8. FINAL PROBLEM IS RELATIONSHIP BETWEEN RECOMMENDATIONS OF COMMISSION AND FORMAL SIGNATURE OF SINNINGDALE AGREEMENT. LAST WEEK UNIONIST ENVIRONMENT MINISTER ROY BRA
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